

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 113 OF 2021

Shobha w/o Shriram Waghmare

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr V.B. Dhage, Advocate for Petitioner

Mr S.K. Tambe, A.G.P. for Respondent No.1/State

Mr A.B. Kadethankar, Advocate for Respondent No. 2

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 11th JANUARY, 2021

PER COURT :

1. Mr Dhage, the learned Counsel submits that by mistake, the petitioner had filled-in the form from ward No. 3(C). In fact, it ought to be from ward No. 3(B). The petitioner intended to contest election from ward reserved for woman from S.C. category. However, by mistake, instead of mentioning 3(B), it was mentioned as 3(C). The learned Counsel submits that the defect was curable defect. According to the learned Counsel, Returning Officer ought to have permitted the petitioner to correct the said defect.

2. Ward No. 3(C) was meant for SC (general) category. The petitioner belongs to SC category. In the narration part also, the petitioner had specifically stated that she is not contesting the election for the seat reserved for woman. The petitioner had filled-in the form in the present manner - महिलांकरिता राखीव असलेल्या जागेकरिता निवडणूक आहे काय ? No

3. Even in the declaration form, the petitioner had specifically mentioned that she is contesting from ward No. 3(C) i.e. meant for SC (general) category. In the receipt issued by the Returning Officer also, it is mentioned that the form is accepted for ward No. 3(C) and SC category. Nowhere the form was accepted for the reserved (woman) category. We do not also find any application given by the petitioner before the Returning Officer to correct any defect. Moreover, it cannot be said to be clerical error. The petitioner had represented time and again that she is contesting election from ward No. 3(C) meant for SC (general) category and not for the seat reserved for SC (woman) category.

4. In light of the above, no relief can be granted to the petitioner.

5. Writ Petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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